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Date: June 4, 2003
To: Brian J. Broadhead
Fax No: 703-872-9310
From: James P. Naughton, Esq.
Tel. No: 312-321-4723
Client No: 9333

No. of Pages
(inc. this page): 5

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TRANSMITTAL LETTER			Case No. 9333/253
Serial No. 09/739,686	Filing Date December 18, 2000	Examiner Brian J. Broadhead	Group Art Unit 43561
Inventor(s) Noboru Yamazaki			
Title of Invention NAVIGATION SYSTEM			

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TO THE COMMISSIONER FOR PATENTS

Transmitted herewith are Transmittal Letter (in duplicate); Response After Final Office Action; and return postcard.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☐ Petition for a _____ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity

Rate	Add'l Fee
x \$9=	
x 40=	
+ \$135=	
Total add'l fee	\$

or

Other Than Small Entity

Rate	Add'l Fee
x \$18=	
x \$80=	
+ \$270=	
Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

James P. Naughton
 James P. Naughton
 Registration No. 30,685
 Attorney for Applicant

BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, ILLINOIS 60610
 (812) 321-4200

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Date: June 4, 2003 Signature: *A. Naughton*

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June 4, 2003

Date of Deposit

James P. Naughton, Reg. No. 30,665Name of Applicant, Assignee or
Registered RepresentativeJames P. Naughton
Signature

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Handwritten:
Reconsider
Patent
6/10

Our Case No. 9333/253**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Noboru Yamazaki

Serial No.: 09/739,586

Filing Date: December 18, 2000

For: NAVIGATION SYSTEM

Examiner: Brian J. Broadhead

Group Art Unit No.: 3661

RESPONSE AFTER FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant is timely filing this paper on June 4, 2003 in response to the Office Action dated April 9, 2003, which was made final.

Claims 1-20 are pending, including independent claims 1, 9, 14 and 15. All claims have been rejected over the prior art, with Desai being the primary reference.

Independent claim 14 was rejected under 35 U.S.C. § 102(e) as being anticipated by Desai. The remaining claims were rejected under 35 U.S.C. § 103(a) as being obvious over Desai in view of Kishi. The Examiner did not accept Applicant's previous argument that Desai does not store partial (e.g., carpool) lanes and their entry/exit points as separate links and nodes in the road network (see Par. 14 of Office Action). However, Applicant believes the Examiner's interpretation of Desai is completely in error.

The Examiner cites column 5, lines 44-55 of Desai to support his interpretation, but this passage is not relevant. The Examiner probably meant to cite the same lines in column 3. This passage was one that Applicant cited to support Applicant's interpretation of Desai. This passage does not disclose that each lane can be represented by its own link, as the Examiner contends. To the contrary, that passage only states that a link may include one or more lanes having travel restrictions, clearly contemplating that a lane with restrictions is not defined as a separate link in a multi-lane road but rather is part of the same link as the adjacent normal lanes. This is very clear from a reading of Desai as a whole, including other passages Applicant cited to the Examiner (e.g., col. 7, line 61 to col. 8, line 2; col. 8, lines 60-62) but which the Examiner did not address.

The Examiner's erroneous interpretation forms the basis for the rejection of all pending claims. Therefore, Applicant believes all of the Examiner's rejections should be withdrawn in view of the correct interpretation of Desai.


Applicant had also previously amended independent claims 1, 9 and 15 to add the feature that lane change guidance between a partial lane and another lane is performed at a timing that depends on the location of a desired road exit and the width of the road (or total number of lanes). This is a particularly useful feature, e.g., because a driver in a carpool lane (typically an innermost lane of a multi-lane road) may need more advance notice of an exit from the carpool lane to the adjacent ordinary lane when the driver must still traverse several ordinary lanes of the road to reach the desired exit from the road itself. The Examiner acknowledges that Desai does not suggest this feature, but the Examiner asserts that Kishi teaches this feature.

Applicant disagrees. Kishi is silent on the problems associated with partial lanes such as carpool lanes. Kishi addresses the timing of issuing a guidance instruction while driving along a normal road, but suggests nothing about adjusting the timing of lane change guidance between a partial lane and another lane in consideration of the location of a different exit from the road itself and the road width (or number of lanes).

Regarding claim 14, the claim recites, among other features, that the system can be used to notify a driver of an exit from the partial lane even when route guidance is not being performed. First, the Examiner has not addressed this claim feature, and second, the passage cited by the Examiner (col. 5, lines 42-52) is unrelated to this feature (or any other feature) in the claim. Therefore, Applicant believes the rejection of claim 14 should be withdrawn for this reason as well.

In summary, Applicant believes that all pending claims are patentable over the cited art and respectfully requests reconsideration and allowance of the claims in light of the explanation provided herein. If the Examiner believes the application still is not in condition for allowance, the Examiner is requested to telephone Applicant's undersigned representative at 312/321-4723 to discuss any remaining issue.

Respectfully submitted,


James P. Naughton
Registration No. 30,665
Attorney for Applicants

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